

E-filed 3/20/07

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

1	UNITED STATES OF AMERICA,)	No. CR 05-00681 JF
2)	
3	Plaintiff,)	STIPULATION AND [PROPOSED]
4)	ORDER CONTINUING CASE AND
5	v.)	EXCLUDING TIME UNDER THE
6)	SPEEDY TRIAL ACT, 18 U.S.C. § 3161
7)	
8	FELIX LEYVA-ANAYA,)	
9	a/k/a Felix Leyva,)	
10	Defendant.)	

11 This matter is set for Wednesday, March 28, 2007 for setting or disposition. Plaintiff
12 United States of America, by and through Assistant United States Attorney Matthew A.
13 Lamberti, and defendant Felix Leyva-Anaya, by and through his counsel Mary E. Conn, hereby
14 AGREE AND STIPULATE that this matter be continued from March 28, 2007 at 9:00 a.m. to
15 April 11, 2007 at 9:00 a.m.

16 The parties also AGREE AND STIPULATE that the period of time from March 28, 2007
17 through and including April 11, 2007, shall be excluded from the period of time within which
18 trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* because the Assistant
19 United States Attorney assigned to the case will not be unavailable due to unanticipated official
20 travel and the parties need additional time for effective preparation and investigation, including
21 efforts to resolve this matter.

22
23 DATED: 3/16/07

SCOTT N. SCHOOLS
United States Attorney

/s/

25
26 MATTHEW A. LAMBERTI
Assistant United States Attorney

/s/

27 DATED: 3/19/07

28 MARY E. CONN
Counsel for the Defendant

[PROPOSED] ORDER

Based upon the foregoing, and good cause appearing therefor, the Court finds pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B), that the interests of justice in granting this continuance outweigh the defendant's and the public's interests in a speedy trial inasmuch the Assistant United States Attorney assigned to the case will not be unavailable due to unanticipated official travel and the parties need additional time for effective preparation and investigation, including efforts to resolve this matter.

IT IS HEREBY ORDERED THAT this matter be continued from March 28, 2007 at 9:00 a.m. to April 11, 2007 at 9:00 a.m.

IT IS FURTHER ORDERED that the period of time from March 28, 2007 through and including April 11, 2007 be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*

IT IS SO ORDERED.

DATED: 3/20/07



HON. JEREMY FOGEL
United States District Judge

Copies to be served on:

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